

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00009-MOC-WCM**

DJ-MT, LLC and DANIEL LARIMER,)

Plaintiffs,)

v.)

ORDER

**DJ3, LLC; THE LANDING STRIP,)
INC.; SAVE A CHILD, LLC; and)
DENNIS HULSING,)**

Defendants.)

_____)
This matter is before the Court on seven (7) Motions to Quash that have been filed by Defendants. Docs. 39, 40, 41, 42, 43, 44, 45 (collectively, the “Motions to Quash”).

On May 8, 2023, a Pretrial Order and Case Management Plan was entered. Doc. 27. Among other things, the Pretrial Order set a deadline of December 4, 2023 for the conclusion of court-enforceable discovery. The Pretrial Order also requires that, before filing a disputed motion for an order relating to discovery, a party must request a conference with the undersigned. Doc. 27 at 4-5. Only when such a request is denied, or an impasse is reached at the conference, is the party authorized to file a disputed motion for an order relating to discovery.

On November 28, 2023, Defendants filed the Motions to Quash.

On December 4, 2023, the parties filed a joint motion requesting that the deadline for the completion of court-enforceable discovery be extended through and including February 5, 2024 and the deadline for the filing of dispositive motions be extended through and including March 4, 2024. The parties stated that they believed the extensions would allow them “additional time to continue their mediation and settlement efforts versus sidelining those efforts in order to meet the current dispositive motions deadline of January 3, 2024.” Doc. 46.

The parties’ request was allowed in part and the deadline for court-enforceable discovery was extended through and including January 19, 2024, while the deadline for the filing of dispositive motions was extended through and including February 2, 2024.

On December 12, 2023, Plaintiffs filed an omnibus response in opposition to the Motions to Quash, arguing, among other things, that the Motions to Quash should be summarily denied because Defendants failed to request a conference with the undersigned. Doc. 47.

The undersigned agrees, and the Motions to Quash (Docs. 39, 40, 41, 42, 43, 44, 45) are **DENIED WITHOUT PREJUDICE**. The parties are encouraged to confer regarding the issues raised by the Motions to Quash in the context of their continuing settlement discussions.

Further, given that the extended deadline for the completion of court-

enforceable discovery is approximately one month away (January 19, 2024), any request for a discovery conference with the undersigned in relation to the issues raised by the Motions to Quash should be submitted no later than **December 29, 2023**. Such a request should be accompanied by a Joint Memorandum of not more than 3 pages in length (exclusive of exhibits) that includes the following information:

1. A list of the specific outstanding discovery dispute(s) and each party's position with regard to each dispute;
2. A statement of whether the parties consent for the Court to issue rulings or other orders, as the Court in its discretion may deem appropriate, regarding the discovery dispute(s) during an informal video conference (to be held on the record) and without further briefing or motions practice.

It is so ordered.

Signed: December 13, 2023



W. Carleton Metcalf
United States Magistrate Judge

